

William A. Isaacson
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave. NW, Suite 800
Washington, D.C. 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131
Email: wisaacson@bsflp.com

Philip J. Iovieno
Anne M. Nardacci
BOIES, SCHILLER & FLEXNER LLP
30 South Pearl Street, 11th Floor
Albany, NY 12207
Telephone: (518) 434-0600
Facsimile: (518) 434-0665
Email: piovieno@bsflp.com
Email: anardacci@bsflp.com

Liaison Counsel for Direct Action Plaintiffs and Counsel for Plaintiffs Electrograph Systems, Inc., Electrograph Technologies, Corp., Office Depot, Inc., Interbond Corporation of America, P.C. Richard & Son Long Island Corporation, MARTA Cooperative of America, Inc., ABC Appliance, Inc., and Schultze Agency Services LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Master File No. 3:07-md-05944-SC

MDL No. 1917

This Document Relates To:

*Best Buy Co, Inc. v. Technicolor
SA, et al.*, No. 13-cv-05264;

Siegel v. Technicolor SA, et al., No. 13-cv-
00141;

*Costco Wholesale Corp. v. Technicolor SA, et
al.*, No. 13-cv-05723;

*Electrograph Systems, Inc. v. Technicolor SA,
et al.*, No. 13-cv-05724;

*Interbond Corp. of Am. v. Technicolor SA, et
al.*, No. 13-cv-05727;

Office Depot, Inc. v. Technicolor SA, et al.,
No. 13-cv-05726;

*P.C. Richard & Son Long Island Corp. v.
Technicolor SA, et al.*, No. 13-cv-05725;

**DECLARATION OF PHILIP J. IOVIENO
IN SUPPORT OF DIRECT ACTION
PLAINTIFFS' ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
THEIR OPPOSITION TO MITSUBISHI'S
MOTION TO DISMISS PURSUANT TO
CIVIL LOCAL RULES 7-11 AND 79-5(d)**

DECLARATION OF PHILIP J. IOVIENO IN SUPPORT OF
CERTAIN DIRECT ACTION PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL

Master File No. 3:07-md-05944-SC

Sears, Roebuck & Co. v. Technicolor SA, et al., No. 13-cv-05262;

Schultze Agency Services, LLC v. Technicolor SA, et al., No. 13-cv-05668; and

Target Corp. v. Technicolor SA, et al., No. 13-cv-05686.

1 I, **PHILIP J. IOVIENO**, declare as follows:

2 1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, liaison counsel
3 for Direct Action Plaintiffs (“DAPs”), and counsel for Electrograph Systems, Inc. and
4 Electrograph Technologies Corp. (“Electrograph”), Interbond Corporation of America
5 (“BrandsMart”), Office Depot, Inc. (“Office Depot”), P.C. Richard & Son Long Island
6 Corporation (“P.C. Richard”), MARTA Cooperative of America, Inc. (“MARTA”), ABC
7 Appliance, Inc. (“ABC Warehouse”), and Schultze Agency Services, LLC (“Tweeter”)
8 (collectively, “Plaintiffs”), and I am licensed to practice law in the State of New York and
9 admitted to practice *pro hac vice* before this Court. Except for those matters stated on
10 information and belief, which I believe to be true, I have personal knowledge of the facts recited
11 in this declaration and, if called upon to do so, I would competently testify under oath thereto.

12 2. I submit this Declaration in support of Plaintiffs’ motion to file the highlighted
13 portions of the following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d):

- 14 • Direct Action Plaintiffs’ Opposition to Mitsubishi’s Motion to Dismiss Complaints
15 (“Opposition”)

16 3. Portions of Plaintiffs’ Opposition in this case contain excerpts from and/or
17 statements derived from documents and testimony which have been designated “confidential” or
18 “highly confidential” pursuant to the Stipulated Protective Order governing this litigation [Dkt.
19 306, June 18, 2008] (“Stipulated Protective Order”). The confidential/highly confidential
20 designations were made by certain defendants in this litigation. To qualify as confidential or
21 highly confidential under the Stipulated Protective Order, information must contain trade secrets
22 or other confidential research, development or commercial information or private or
23 competitively sensitive information. Stipulated Protective Order at ¶ 1.

24 4. The Stipulated Protective Order requires that a party may not file any confidential
25 material in the public record. Stipulated Protective Order at ¶ 10. The Stipulated Protective
26 Order further provides that any party seeking to file any confidential material under seal must
27 comply with Civil Local Rule 79-5. Stipulated Protective Order at ¶¶ 1, 10.

28 5. The highlighted portions of Plaintiffs’ Opposition contains such material, and,
DECLARATION OF PHILIP J. IOVIENO IN SUPPORT OF
DIRECT ACTION PLAINTIFFS’
ADMINISTRATIVE MOTION TO SEAL

1 pursuant to Local Rule 79-5(e), Plaintiffs seek to submit this material under seal in good faith in
2 order to comply with the Stipulated Protective Order and the applicable Local Rules.

3 6. Therefore, Plaintiff respectfully requests an order sealing portions of Plaintiffs'
4 Opposition.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed on this 27th day of January, 2014 at Albany, New York.

7
8 /s/ Philip J. Iovieno

9 Philip J. Iovieno
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the documents listed below to be served by ECF filing on January 27, 2014 to each of the persons as set forth on the attached service list.

- Direct Action Plaintiffs' Administrative Motion to Seal Portions of Their Opposition to Mitsubishi's Motion to Dismiss Pursuant to Civil Local Rules 7-11 and 79-5(d)
- Declaration of Philip J. Iovieno in Support of Certain Direct Action Plaintiffs' Administrative Motion to Seal Portions of Their Opposition to Mitsubishi's Motion to Dismiss Pursuant to Civil Local Rules 7-11 and 79-5(d)
- Proposed Order Granting Certain Direct Action Plaintiffs' Administrative Motion to Seal Portions of Their Opposition to Mitsubishi's Motion to Dismiss Pursuant to Civil Local Rules 7-11 and 79-5(d)

Dated: January 27, 2014

/s/ Adam Weber

Adam Weber

SERVICE LIST

<p>Mario N. Alioto Lauren Capurro Trump, Alioto, Trump & Prescott, LLP 2280 Union Street San Francisco, CA 94123 Tel: 415-563-7200 Fax: 415-346-0679 Email: malioto@tatp.com laurenrussell@tatp.com</p> <p><i>Interim Lead Counsel for Indirect Purchaser Plaintiffs</i></p>	<p>Guido Saveri R. Alexander Saveri Saveri & Saveri, Inc. 706 Sansome Street San Francisco CA 94111 Tel: 415-217-6810 Fax: 415-217-6813 Email: guido@saveri.com rick@saveri.com</p> <p><i>Interim Lead Counsel for Direct Purchaser Plaintiffs</i></p>
<p>Emilio Varanini Attorney General's Office State of California Department of Justice 455 Golden Gate avenue, Suite 11000 San Francisco, CA 94102 Tel: 415-703-5908 Fax: 415-703-5480 Email: emilio.varanini@doj.ca.gov</p> <p><i>Counsel for Plaintiff State of California</i></p>	<p>James L. McGinnis Michael W. Scarborough Dylan Ballard Sheppard Mullin Richter & Hampton LLP Four Embarcadero Center, 17th Floor San Francisco, CA 94111-4106 Tel: 415-434-9100 Fax: 415-434-3947 Email: jmcginnis@sheppardmullin.com mscarborough@sheppardmullin.com dballard@sheppardmullin.com</p> <p><i>Counsel for Samsung SDI Co., Ltd.; Samsung SDI America, Inc.; SDI Mexico S.A. de C.V.; Samsung SDI Brasil Ltda.; Shenzhen Samsung SDI Co., Ltd.; Tianjin Samsung SDI Co., Ltd.; and Samsung SDI (Malaysia) Sdn. Bhd.</i></p>

Jeffrey L. Kessler
A. Paul Victor
Eva W. Cole
Molly M. Donovan
Winston & Strawn LLP
200 Park Avenue
New York, NY 10166
Tel: 212-294-4692
Fax: 212-294-4700
Email: jkessler@winston.com
pvector@winston.com
ewcole@winston.com
mmdonovan@winston.com

*Counsel for Panasonic Corporation;
Panasonic Corporation of North America; and
MT Picture Display Co., Ltd.*

Steven A. Reiss
David L. Yohai
David Yolkut
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153-0119
Tel: 212-310-8000
Fax: 212-310-8007
Email: steven.reiss@weil.com
david.yohai@weil.com
david.yolkut@weil.com

Bambo Obaro
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065-1175
Tel: (650) 802-3000
Fax: (650) 802-3100
Email: bambo.obaro@weil.com

*Counsel for Panasonic Corporation;
Panasonic Corporation of North America;
and MT Picture Display Co., Ltd.*

Eliot A. Adelson
James Maxwell Cooper
Kirkland & Ellis LLP
555 California Street, 27th Floor
San Francisco, CA 94104
Tel: 415-439-1400
Fax: 415-439-15001
Email: eliot.adelson@kirkland.com
max.cooper@kirkland.com

James H. Mutchnik
Kate Wheaton
Kirkland & Ellis LLP
300 North LaSalle
Chicago, IL 60654
Tel: 312-862-2000
Fax: 312-862-2200
Email: james.mutchnik@kirkland.com
kate.wheaton@kirkland.com

*Counsel for Hitachi, Ltd.; Hitachi Displays,
Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.;
and Hitachi Electronic Devices (USA), Inc.*

Calvin L. Litsey
Kathy L. Osborn
Faegre Baker Daniels LLP
1950 University Avenue, Suite 450
East Palo, CA 94303-2279
Tel: (650) 324-6700
Fax: (650) 324-6701
Email: calvin.litsey@faegrebd.com
kathy.osborn@faegrebd.com

*Counsel for Technicolor SA and Technicolor
USA, Inc.*

Brent Caslin
Jenner & Block LLP
633 West 5th Street, Suite 3600
Los Angeles, CA 90071-2054
Tel: (213) 239-5100
Fax: (213) 239-5199
Email: bcaslin@jenner.com

Terrence J. Truax
Michael T. Brody
Jenner & Block
353 North Clark Street
Chicago, IL 60654
Tel: (312) 222-9350
Fax: (312) 527-0484
Email: ttruax@jenner.com
mbrody@jenner.com

*Counsel for Mitsubishi Electric Corporation,
Mitsubishi Electric & Electronics USA, Inc.
and Mitsubishi Digital Electronic Americas,
Inc.*

Joel S. Sanders
Rachel S. Brass
Christine A. Fujita
Gibson, Dunn & Crutcher LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
Tel: 415-393-8200
Fax: 415-393-8206
Email: jsanders@gibsondunn.com
rbrass@gibsondunn.com
cfujita@gibsondunn.com

*Counsel for Chunghwa Picture Tubes, Ltd.
and Chunghwa Picture Tubes (Malaysia)*

Christopher M. Curran
Lucius B. Lau
Charise Naifeh
Dana Foster
White & Case
701 Thirteenth Street N.W.
Washington, DC 20005
Tel: 202-626-3600
Fax: 202-639-9355
Email: ccurran@whitecase.com
alau@whitecase.com
cnaifeh@whitecase.com
dfoster@whitecase.com

*Counsel for Toshiba Corporation; Toshiba
America, Inc.; Toshiba America Consumer
Products, L.L.C.; Toshiba America Electronics
Components, Inc.; Toshiba America
Information Systems, Inc.*

William Temko
Jonathan Altman
Hojoon Hwang
Laura Sullivan
Munger, Tolles & Olson LLP
560 Mission Street
San Francisco, CA 94105
Tel: 415-512-4009
Fax: 415-512-4077
Email: william.temko@mto.com
jonathan.altman@mto.com
hojoon.hwang@mto.com
laura.sullivan@mto.com

*Counsel for LG Electronics, Inc.; LG
Electronics USA, Inc.; LG Electronics Taiwan
Taipei Co., Ltd.*

John M. Taladay
Erik Koons
Charles Malaise
Baker Botts L.L.P.
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2400
Tel: 202-639-7700
Fax: 202-639-7890
Email: john.taladay@bakerbotts.com
erik.koons@bakerbotts.com
charles.malaise@bakerbotts.com

Jon V. Swenson
Baker Botts L.L.P.
620 Hansen Way
Palo Alto, CA 94304
Tel: 650-739-7500
Fax: 650-739-7699
Email: jon.swenson@bakerbotts.com

*Counsel for Koninklijke Philips Electronics
N.V. and Philips Electronics North America
Corporation*

Mark C. Dosker
Nathan Lane, III
Squire Sanders LLP
275 Battery Street, Suite 2600
San Francisco, CA 94111
Tel: 415-954-0200
Fax: 415-393-9887
Email: mark.dosker@squiresanders.com
nathan.lane@squiresanders.com

*Counsel for Technologies Displays Americas
LLC and Videocon Industries, Ltd.*